

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S)	Scott A. Steele	CONFIRMATION NO.:	
APPLN. NO.:	09/414,121	EXAMINER:	Alvarez, Raquel
FILED:	October 8, 1999	GROUP ART UNIT:	3622
DOCKET NO.	NSP00012		
TITLE:	REMOTELY CONFIGURABLE MULTIMEDIA ENTERTAINMENT AND INFORMATION SYSTEM WITH LOCATION BASED ADVERTISING		

TRANSMITTAL LETTER FOR BRIEF ON APPEAL

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Enclosed please find three copies of an Appeal Brief filed on behalf of the applicant(s) in the matter of the above entitled application. This Brief is filed pursuant to 37 CFR § 1.192 and following the Advisory Action dated February 28, 2005.

Please charge the fee (\$500.00) for filing the enclosed Brief to Deposit Account 502117.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number 22917

Respectfully submitted,

By: 

Brian M. Mancini
Attorney of Record
Reg. No.: 39,288
Telephone: 847-576-3992
Fax No.: 847-576-3750

BEST AVAILABLE COPY

MAR 09 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANTS: Steele et al. EXAMINER: Alvarez, Raquel
SERIAL NO.: 09/414,121 GROUP: 3622
FILED: 10/08/1999 CASE NO.: NSP00012

TITLED: Remotely Configurable Multimedia Entertainment And Information System
With Location Based Advertising

Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
Schaumburg, IL 60196

APPEAL BRIEF UNDER 37 CFR 1.192

Certificate of Transmission under 37 CFR 1.8	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.	
on <u>March 9, 2005</u>	
Motorola, Inc.	<u>3/9/2005</u>
Name of applicant, assignee, or Registered Representative	Date
<u>Danette On</u>	
Signature	

Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Commissioner:

The appellants hereby respectfully submit the following Appeal Brief in response
to a Final Office Action dated January 14, 2005, and a Notice of Appeal filed herewith.

1. REAL PARTY IN INTEREST

The real party in interest in this appeal is Motorola, Inc., a Delaware Corporation.

2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 1-2, 5-8, 11, 13, 15-17, 19 and 22 were rejected ten times and finally rejected. Claims 1-2, 5-8, 11, 13, 15-17, 19 and 22 are pending. Claims 3, 4, 9, 10, 12, 14, 18, 20, 21 and 23-27 have been canceled. This is an appeal from the Final Office Action, dated January 14, 2005. Claims 1-2, 5-8, 11, 13, 15-17, 19 and 22 are appealed.

In a first Office Action dated November 8, 2000, the Examiner rejected the only claim 1 under 35 U.S.C. §103 as being anticipated by Toader (US 5,774,869). In an amendment dated February 14, 2000, the appellants amended claim 1 and added new claims 2-20.

In a second (Final) Office Action dated May 24, 2001, the Examiner rejected claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Altschul et al. (US 5,983,094) in view of Goldhaber et al. (US 5,855,008) further in view of Hall et al. (US 6,026,375). In a continued prosecution application dated July 24, 2001, the appellants

filed a preliminary amendment having amended claims 1 and 13, deleted claims 10, 18 and 20, and added new claims 21-26.

In a third Office Action dated October 10, 2001, the Examiner rejected claims 1-9, 11-17, 19 and 21-26 under 35 U.S.C. §103(a) as being unpatentable over Altschul et al. (US 5,983,094) in view of Goldhaber et al. (US 5,855,008) further in view of Titmuss et al. (WO 98/47295). In an amendment dated January 2, 2002, the appellants amended claims 1 and 3, and added new claim 27.

In a fourth (Final) Office Action dated June 14, 2002, the Examiner rejected claims 1-9, 11-17, 19 and 21-27 under 35 U.S.C. §103(a) as being unpatentable over Altschul et al. (US 5,983,094) in view of Goldhaber et al. (US 5,855,008) further in view of Titmuss et al. (WO 98/47295). A request for continued examination dated November 13, 2002, was filed without further amending the claims.

In a fifth Office Action dated January 21, 2003, the Examiner rejected claims 1-9, 11-17, 19 and 21-27 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (US 6,183,366) in view of Titmuss et al. (WO 98/47295). In an amendment dated July 21, 2003, the appellants amended claims 1 and 13, and canceled claims 3 and 14.

In a sixth (Final) Office Action dated October 21, 2003, the Examiner rejected claims 1-2, 4-9, 11-13, 15-17, 19 and 21-27 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (US 6,183,366) in view of Titmuss et al. (WO 98/47295). An amendment after final rejection dated November 4, 2003, was filed amending claims 1-2, 13, 27 and canceling claims 4, 9, 21 and 23-26. In an Advisory Action dated November 17, 2003, applicants were notified that the amendment would not

4

be entered, whereupon applicants filed a request for continued examination with amended claims 1-2, 13, 27 and canceled claims 4, 9, 21 and 23-26.

In a seventh Office Action dated January 27, 2004, the Examiner rejected claims 1, 2, 5-8, 11-13, 15-17, 19, 22 and 27 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (US 6,183,366) in view of Hall (US 6,026,375), and rejected claims 7, 8, 15 and 17 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (US 6,183,366) in view of Hall (US 6,026,375) as applied to claims 1, 2, 5-6, 11-13, 17, 19, 22 and 27 above, and further in view of Titmuss et al. (WO 98/47295). A response was filed dated February 10, 2004, with no amended claims.

In an eighth (Final) Office Action dated April 30, 2004, the Examiner required a restriction between the invention of Group I claims 1, 2, 5-8, 11-13, 15-17, 19, 22 and Group II claim 27, and rejected claims 1, 2, 5-8, 11-13, 15-17, 19 and 22 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (US 6,183,366) in view of Hall (US 6,026,375), and rejected claims 7, 8, 15 and 17 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (US 6,183,366) in view of Hall (US 6,026,375) as applied to claims 1, 2, 5-6, 11-13, 17, 19 and 22 above, and further in view of Titmuss et al. (WO 98/47295). An amendment after final rejection dated May 4, 2004, was filed restricting the invention to the Group I claims of 1, 2, 5-8, 11-13, 15-17, 19, 22, withdrawing claim 27, with no further amendment.

In a ninth Office Action dated August 2, 2004, the Examiner withdrew the restriction requirement, rejected claims 1, 2, 5-8, 11-13, 15-17, 19 and 22 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (US 6,183,366) in view of Hall (US

6,026,375), rejected claims 7, 8, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (US 6,183,366) in view of Hall (US 6,026,375) and further in view of Timuss et al. (WO 98/47295), and rejected claims 12 and 27 as being unpatentable over Goldberg et al. (US 6,183,366) in view of Hall (US 6,026,375) and further in view of Diaz et al. (US 6,356,822). A response was filed dated August 11, 2004, with no amended claims, and canceling claims 12 and 27.

In an tenth (Final) Office Action dated January 14, 2005, the Examiner rejected claims 1, 2, 5-8, 11, 13, 15-17, 19 and 22 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (US 6,183,366) in view of Hall (US 6,026,375), and rejected claims 7, 8, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (US 6,183,366) in view of Hall (US 6,026,375) and further in view of Timuss et al. (WO 98/47295). A request for reconsideration was filed after final rejection dated January 19, 2005, with no further amendment. In an Advisory Action dated February 28, 2005, applicants were notified that the request was considered, but did not place the application in a condition for allowance, resulting in this appeal.

Claim 1, as amended, teaches a method of providing service in a wireless communication network. The method includes a first step providing a plurality of service options to an end user of a wireless communication device operating on said wireless communication network. A next step includes providing products or services to said end user in response to a subscription to one of said service options. A next step includes providing a quota of advertisements to the end user within a predetermined time period in lieu of receiving compensation for the subscription, wherein the provision of the advertisements is based upon a content that a user is receiving on said wireless

6

communication device and when a subscriber will be with a predetermined distance of said a predetermined vendor at a future time. A next step includes determining whether the advertisements have been delivered. A last step includes terminating advertisements upon reaching the quota.

Claim 13, as amended, teaches a method of providing service in a wireless communication network. The method includes a first step of providing a plurality of service options to an end user of a wireless communication device operating on said wireless communication network. A next step includes providing products or services to said end user in response to a subscription to one of said service options. A next step includes providing a quota of advertisements to the end user in lieu of receiving compensation for the subscription, wherein the provision of the advertisements is based upon a configuration of said wireless communication device and when a subscriber will be with a predetermined distance of said a predetermined vendor at a future time. A next step includes requiring user interaction to determine whether an advertisement was reviewed to be considered an advertisement that was provided in lieu of receiving compensation for the service. A last step includes terminating advertisements upon reaching the quota.

As disclosed above, claims 1 and 13 are two method aspects of the same invention.

In the Final Office Action, dated January 14, 2005, the Examiner again rejected claims 1, 2, 5-8, 11, 13, 15-17, 19 and 22 under 35 U.S.C. §103(a) as being unpatentable over Goldberg in view of Hall, and rejected claims 7, 8, 15 and 16 under 35 U.S.C.

§103(a) as being unpatentable over Goldberg in view of Hall and further in view of Timnuss. No claims were allowed.

4. STATUS OF AMENDMENTS

A response to the Final Office Action was filed under 37 CFR §1.116 on January 19, 2005, and is currently pending with no further amendment. In the response to the Final Office Action, the appellants responded to the Examiner's rejections of claims 1-2, 5-8, 11, 13, 15-17, 19 and 22 and requested that the Examiner reconsider the rejection in view of the appellants' arguments. An Advisory Action was received by the appellants on February 28, 2005, wherein appellants were advised that the request for reconsideration was considered but did not place the application in a condition for allowance. As a result, no claims were allowed. Therefore, the pending claims 1-2, 5-8, 11-13, 15-17, 19, 22 and 27 presently exist in the form prior to the Final Office Action, as duplicated in the Appendix.

5. SUMMARY OF INVENTION

Appellants' invention, such as recited in amended claims 1 and 13, provides a business case that is unknown in the art wherein an Internet service provider would provide an advantage for a user to use that particular Internet access provider by the knowledge that advertisements during use of the service will stop after reaching a quota whereinafter the user would have uninterrupted Internet access. In this way, the use of

quotas would be much more likely to lure users to a service, in that, a user would be much more likely to subscribe to a service if they knew they would not be subject to endless advertising, but instead be subject to a fair portion of advertising in exchange for their patronage. Support for this can be found in the specification on page 19 lines 22-26, page 21 lines 13-14, page 22 lines 3-12, and page 28 lines 17-18.

Appellants' invention, such as recited in amended claim 13, further provides a solution for checking whether advertisements are presented and viewed in a destination device, by providing a definitive technique to guarantee that a user actually observes the advertisement from the destination device. For example, a user may be outside their car while an advertisement is playing, and therefore does not observe the advertisement. Appellants' invention solves this problem by requiring a manual interaction where the user actually acknowledges the receipt of the advertisement. The inclusion of manual feedback is a significant difference from the cited art. Support for this can be found in the specification on page 21 lines 24-27 and page 22 line 10.

6. ISSUES

Whether claims 1-2, 5-8, 11-13, 15-17, 19 and 22 are unpatentable under 35 U.S.C. §103(a) as being obvious from Goldberg et al. (U.S. Patent No. 6,183,366) in view of Hall et al. (U.S. Patent No. 6,026,375), and whether claims 7, 8, 15 and 16 are unpatentable under 35 U.S.C. §103(a) as being obvious over Goldberg in view of Hall as applied to claims 1, 2, 5, 6, 11-13, 17, 19, 22 and 27 above, and further in view of Timuss et al. (WO 98/47295).

7. GROUPING OF CLAIMS

For purposes of this Appeal, the appellants are content to consider all of the claims 1-2, 5-8, 11, 13, 15-17, 19 and 22 as being part of one common group

8. ARGUMENT

Rejection under 35 U.S.C. §103(a):

The Examiner rejected claims 1-2, 5-8, 11-13, 15-17, 19 and 22 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (U.S. Patent No. 6,183,366 hereinafter Goldberg) in view of Hall et al. (U.S. Patent No. 6,026,375 hereinafter Hall). Specifically, with respect to the independent claims 1 and 13, the Examiner contended that the termination of advertisements using a quota is obvious. However, the Examiner has shown no evidence of any case where advertisements are terminated while the information or entertainment service access continues advertisement free. The Examiner previously admitted that neither Goldberg nor Hall disclose the provision for a quota within a predetermined time period and terminating advertisements upon reaching the quota. In addition, the Examiner previously admitted that Goldberg does not recite the ending of advertisements, and appellants submit that it is a common practice in the industry for advertisements to be continually presented. However, the Examiner further presumes that it would make sense in Goldberg to terminate advertisements when users have satisfied their thresholds to prevent overexposure. Goldberg does not suggest or disclose the termination of advertisement, does not suggest or disclose thresholds, and

does not suggest or disclose the prevention of overexposure. This is all speculation on the part of the Examiner with no prior art cited thereon. Further, appellants disagree that it is well known for termination to occur as the actual practice teaches away from this (i.e. advertisement never terminate, there are no thresholds in advertising, and there are no concerns about overexposure to advertising).

Moreover, independent claims 1 and 13 recite a specific technique to provide the previously unknown service of the present invention, using quotas to terminate advertising. The Examiner previously admitted that neither Goldberg nor Hall disclose the provision for a quota within a predetermined time period and terminating advertisements upon reaching the quota. Since no prior art has been shown to terminate advertisements while continuing service, appellants submit that it is completely non-obvious to use a quota system to terminate advertisements while continuing service.

In addition, appellants wish to reiterate that Goldberg recites that Internet access is free while advertisements are repeatedly downloaded (col. 29, lines 15-20), without condition. Therefore, the implication is that if advertisements could not be repeatedly downloaded then internet access would not be free. As a result, the effect is that free internet access is subject to continually receiving advertisements. In addition, if Goldberg had envisioned the cessation of advertisements upon reaching a quota then Goldberg would not refer to the *repeated* downloading of advertisement. Since Goldberg did not qualify this statement, it must be taken as one normally skilled in the art would interpret it, i.e. advertisements never end, there is no threshold, there is no quota, and there is no concern about overexposure, as is the commonly recognized normal business practice, which teaches away from appellants' invention.

Therefore, appellants believe the Examiner has made an error in interpreting Goldberg as reciting: a) the ending of advertisements, b) quotas, and c) thresholds for quotas. Appellants wish to repeat that there are presently no known provisions in such cases for the termination of advertisements while continuing service access, and further that that there is no mention of quotas for the termination of advertisements while continuing service access. Appellants respectfully reiterate that these two steps are essential in the understanding of appellants' invention, and neither are present in the cited art. Further, since the use of advertisement quotas is unknown in the art it would not be obvious to use advertisement quotas for the termination of advertisements while continuing service access. Even one skilled in the art could not make these two leaps, and in fact has not made these leaps. Although the Examiner has indicated that it would make sense that it were so, there has been no art cited in this regard. Moreover, if common sense were the only criteria, then common sense would dictate exactly the opposite of the Examiner's assertion, namely advertisements never stop.

Moreover, appellants point out that to establish *prima facie* obviousness of a claimed invention, at least the two limitations of must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). In this case, for the reasons stated above, all the claim limitations are not taught or suggested by the prior art. Thus, the cited references clearly fail to render obvious the claims.

Moreover, a proposed modification or combination of prior art cannot be made if the prior art does not suggest the desirability of the claimed invention. *In re Fine*, 837

F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). As mentioned above and in the appellants' specification, it is a substantial benefit to use the claimed invention because it uses a quota to permit a user relief from relentless presentation of advertisements. The known art, for the reasons mentioned above, simply does not suggest the desirability of the claimed invention since it doesn't provide for the termination of advertisements while continuing Internet access.

Deficiencies of the cited references cannot be remedied by the conclusions about what is well known or what one skilled in the art could have done. *In re Zurko*, 258 F.3d 1379, 1385-1386 (Fed. Cir. 2001) (Assessment of basic knowledge and common sense in the art must be based on evidence in the record and cannot be based on unsupported assessment of the prior art), and in particular where the known art teaches away from appellants' invention as explained above.

Advantageously, appellants' invention of amended independent claims 1 and 13 provides a business case that is unknown in the art wherein an Internet service provider would provide an advantage for a user to use that particular access provider by the knowledge that advertisements will stop after reaching a quota whereinafter the user would have uninterrupted Internet access. In this way, the use of quotas would be much more likely to lure users to a service, in that, a user would be much likely to subscribe to a service if they knew they would not be subject to an endless barrage of advertising, but instead be subject to a fair portion of advertising in exchange for their patronage.

Therefore, appellants respectfully submit that the previously amended independent claims 1 and 13 are novel and non-obvious over Goldberg and Hall, and are therefore deemed allowable.

Regarding dependent claims 2, 5, 6 and 11, because claims 2, 5, 6 and 11 depend directly or indirectly from independent claim 1, the appellants respectfully submit that claims 2, 5, 6 and 11 are not unpatentable over the prior art of record.

Regarding independent claim 13, the above comments with respect to claim 1 also apply to claim 13. In addition, the cited art teaches a system to check whether advertisements are presented in a destination device, but does not provide a definitive technique to guarantee that a user actually observes the advertisement from the destination device. For example, a user may be outside their car while an advertisement is playing, and therefore does not observe the advertisement. Appellants solve this problem by requiring a manual interaction where the user actually acknowledges the receipt of the advertisement. The inclusion of manual feedback is a significant difference from the cited art, and the Examiner admits that Goldberg does not teach manual acknowledgment. Therefore, appellants' invention of claim 13 solves a problem that is not address by the cited art.

Again, the Examiner goes on to state that a provision to have a user manually acknowledge an advertisement is obvious since it is old and well known in the prior art. However, to establish *prima facie* obviousness of a claimed invention, the practice of a user manually acknowledging advertisements must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974). "All words in a claim must be

considered in judging the patentability of that claim against the prior art." In *re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). In this case, for the reasons stated above, there is no art cited that has a user manually acknowledge the receipt of advertisements. Indeed, appellants respectfully submit that is not old and well known for a user to provide a manual acknowledgement that they have viewed an advertisement. In contrast, appellants submit that it is quite uncommon to provide any acknowledgement that an advertisement has been viewed and that in fact it is the common business practice to not require any acknowledgement. Therefore, all the claim limitations are not taught or suggested by the prior art. Thus, the cited references clearly fail to render obvious the claims.

Moreover, a proposed modification or combination of prior art cannot be made if the prior art does not suggest the desirability of the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). As mentioned above and in the appellants' specification, there is a benefit to a service provider to supply definitive evidence that an advertisement has been actually viewed by have a viewer manually acknowledge same. The known art, for the reasons mentioned above, simply does not suggest the desirability of providing manual interaction, but instead providing a convoluted automatic process between devices that only proves the advertisement was presented by a device, but does not guarantee that the advertisement was reviewed by an actual person. The prior art only describes a user that interacts with an advertisement of interest to gain more information. This is not done for the purposes of acknowledgement that the user has received the advertisement, but is only incidental thereto, and therefore teaches away from appellants' invention.

Deficiencies of the cited references cannot be remedied by the conclusions about what is well known or what one skilled in the art could have done. *In re Zurko*, 258 F.3d 1379, 1385-1386 (Fed. Cir. 2001) (Assessment of basic knowledge and common sense in the art must be based on evidence in the record and cannot be based on unsupported assessment of the prior art), and in particular where the known art teaches away from appellants' invention as explained above.

Regarding dependent claims 17, 19 and 22, because claims 17, 19 and 22 depend directly or indirectly from independent claim 13, the appellants respectfully submit that claims 17, 19 and 22 are not unpatentable over the prior art of record.

The Examiner also rejected claims 7, 8, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Goldberg in view of Hall as applied to claims 1, 2, 5, 6, 11, 13, 17, 19 and 22 above, and further in view of Titmuss et al. (WO 98/47295).

Regarding dependent claims 7 and 8, because claims 7 and 8 depend directly or indirectly from independent claim 1, the appellants respectfully submit that claims 7 and 8 are not unpatentable over the prior art of record.

Regarding dependent claims 15 and 16, because claims 15 and 16 depend directly or indirectly from independent claim 13, the appellants respectfully submit that claims 15 and 16 are not unpatentable over the prior art of record.

Appellants respectfully submit that the prior art references, in combination or alone, fail to teach or suggest all of appellants' claimed limitations, as required for a 35 USC §103(a) rejection. Namely, with regard to claims 1 and 13 (and their dependent

claims), none of the references teach at least the steps of: providing a quota of advertising, determining whether advertisements actually have been viewed, terminating advertisements upon reaching a quota, or providing advertisements based upon the status of sensors in a vehicle. Further, with regard to claim 13, none of the references teaches at least the step of requiring user interaction to determine whether an advertisement was reviewed. Appellants submit that these many limitations can not all be rendered obvious without any corroborating references.

Therefore, the teachings of the cited art, in combination or alone, fail to teach or even suggest the novel and unobvious recitations of the above claims. For the foregoing reasons, appellants believe that the claims, as amended, are patentably distinct and non-obvious from all of the references of record, whether taken alone or in combination.

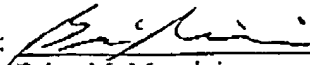
CONCLUSION

For the above reasons, appellants respectfully submit that the rejection of claims 1-2, 5-8, 11, 13, 15-17, 19 and 22 under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. (U.S. Patent No. 6,183,366) in view of Hall et al. (U.S. Patent No. 6,026,375) and the rejection of claims 7, 8, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Goldberg in view of Hall as applied to claims 1, 2, 5, 6, 11-13, 17, 19, 22 and 27 above, and further in view of Titmuss et al. (WO 98/47295) are in error and should be reversed and the claims allowed.

17

Motorola, Inc.
Law Dept. - 3rd floor
1303 E. Algonquin Rd.
Schaumburg, IL 60196

Respectfully submitted,
Steele et al.

By: 
Brian M. Mancini
Attorney for Appellants
Registration No. 39,288
Phone: (847) 576-3992
FAX: (847) 576-3750

APPENDIX

1. (previously presented) A method of providing service in a wireless communication network comprising the steps of:
 - providing a plurality of service options to an end user of a wireless communication device operating on said wireless communication network;
 - providing products or services to said end user in response to a subscription to ~~one~~ of said service options;
 - providing a quota of advertisements to the end user within a predetermined time period in lieu of receiving compensation for the subscription, wherein the provision of the advertisements is based upon a content that a user is receiving on said wireless communication device and when a subscriber will be with a predetermined distance of said a predetermined vendor at a future time;
 - determining whether the advertisements have been delivered; and
 - terminating advertisements upon reaching the quota.
2. (previously presented) The method of claim 1 wherein said plurality of service options includes temporal based services.
- 3-4. (canceled)
5. (previously presented) The method of claim 1 wherein said step of providing advertisements comprises providing advertisements when end user preferences corresponds with vendor criteria.
6. (previously presented) The method of claim 1 further including a step requiring user interaction to determine whether an advertisement was reviewed to be considered an advertisement that was provided in lieu of receiving compensation for the service.

7. (previously presented) The method of claim 1 wherein said step of providing advertisements comprises providing advertisements when a vendor has a product on an end user's shopping list.

8. (previously presented) The method of claim 1 wherein said step of providing advertisements comprises providing advertisements based upon a shopping history of said end user.

9-10. (canceled)

11. (previously presented) The method of claim 1 wherein said step of providing advertisements comprises providing advertisements at predetermined times based upon user device habits.

12. (canceled).

13. (previously presented) A method of providing service in a wireless communication network comprising the steps of:
providing a plurality of service options to an end user of a wireless communication device operating on said wireless communication network;
providing products or services to said end user in response to a subscription to one of said service options;
providing a quota of advertisements to the end user in lieu of receiving compensation for the subscription, wherein the provision of the advertisements is based upon a configuration of said wireless communication device and when a subscriber will be with a predetermined distance of said a predetermined vendor at a future time;
requiring user interaction to determine whether an advertisement was reviewed to be considered an advertisement that was provided in lieu of receiving compensation for the service; and
terminating advertisements upon reaching the quota.

14. (canceled)

15. (previously presented) The method of claim 13 wherein said step of providing advertisements comprises providing advertisements when a vendor has a product on an end user's shopping list.

16. (previously presented) The method of claim 15 wherein said step of providing advertisements comprises providing advertisements based upon a shopping history of said end user.

17. (previously presented) The method of claim 13 wherein said step of providing advertisements comprises providing advertisements based upon advertisement acceptance.

18. (canceled)

19. (previously presented) The method of claim 13 wherein said step of providing advertisements comprises providing advertisements at predetermined times based upon user device habits.

20. (canceled)

21. (canceled)

22. (previously presented) The method of claim 13, further comprising a step of conveying the determined future location of said wireless communication device to a provider of at least one of said products or services.

23-27. (canceled)

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ ~~LINE~~ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.